

1 charges should be. I really don't consider what law
2 enforcement officers have done. Most of them have a
3 high school education -- God bless them -- and not a
4 legal education. And so many of my cases were
5 charged up, charged down and charged sideways but
6 not charged as the officers did. So it was not my
7 practice to look at that.

8 Reading the text of the offense report in
9 this particular case, the facts were overwhelming.
10 And when we went to the bond hearing on this
11 particular case, I had actually put in my Motion for
12 Pretrial Detention the fact that, giving Judge Green
13 the benefit of the doubt, he didn't have all the
14 information.

15 Well, the defense attorney immediately
16 corrected me on that and said he did and pointed out
17 to me, you know, that anyone reading this offense
18 report would know exactly what these charges are.
19 And I guess it just kind of became ingrained with
20 me. And to be quite honest about it, until it was
21 pointed out to me that those were not the actual
22 charges, I just didn't even think of it. It was
23 just a total oversight on my part.

24 JUDGE WOLF: How about the Alsdorph case
25 where it says that it was a false statement that he

1 had been released into the community when in fact
2 the defendant had not been released into the
3 community?

4 JUDGE KINSEY: I don't really know how to
5 respond to that, other than to say that he came in
6 on no bond; a circuit judge had reviewed the warrant
7 application, had found probable cause, set a no-bond
8 on it. Judge Green said, "You're entitled to bond.
9 You will get bond. How much money do you have?" and
10 set a bond that he could make.

11 He was not released into the community,
12 thanks to the quick actions of the court security
13 officer in getting the state attorney's office
14 alerted and also the investigating officer so that
15 we could get it back in front of the circuit judge
16 to whom the case had been assigned and get the bond
17 revoked before he could get out.

18 Now, there was a matter of time between
19 the first appearance and the time that we could
20 get -- not we -- that the state attorney's office
21 could get the bond hearing held. But he was not
22 going to be in the community; he was being held on
23 no-bond until such time as Judge Green gave him a
24 bond that he could make.

25 JUDGE WOLF: Okay. Going back to 7, one

1 last question. At the time the case came in front
2 of Judge Green, was it clear that he had the offense
3 reports, or was it just a probable-cause affidavit?
4 Do we know it was specifically in front of him at
5 the time?

6 JUDGE KINSEY: Yes, we do. In fact, he
7 testified at a hearing in December regarding this
8 issue and said that, I believe, he did have the
9 offense report. See, what I get as a prosecutor is
10 the package the judge gets. It's literally stapled
11 together with his probable-cause finding. There's a
12 form that we sign that says we find probable cause,
13 that he's had his hearing within the appropriate
14 amount of time, and that this is what his bond will
15 be; it remains the same, or I'm changing it to X,
16 whatever that might be. And the package that I got
17 is the identical package that Judge Green had; no
18 additions, no subtractions.

19 JUDGE WOLF: I don't have anything further
20 at this time.

21 JUDGE KINSEY: I did talk to the victim
22 that same day. Within a matter of hours I was
23 talking with the victim and got additional
24 information. But we worked from the same package.

25 THE CHAIR: Mr. Sanders?

1 MR. SANDERS: Judge Kinsey, I just want to
2 follow up on what Judge Wolf just asked you and to
3 some degree on what Mr. Nachwalter asked you.

4 JUDGE KINSEY: Yes, sir.

5 MR. SANDERS: I'm looking at what has been
6 provided to us as at least off-prints of some of
7 your campaign literature.

8 JUDGE KINSEY: Yes, sir.

9 MR. SANDERS: Mr. Kinsey had indicated
10 that he had seen, I guess upside down, what we were
11 looking at, and it looked familiar to him. You
12 indicated in response to a question by Judge Wolf
13 with regard to Charge No. 1 about the quote that you
14 would support your hard-working law enforcement and
15 that you would take their testimony seriously that
16 that was taken out of context. And I'm looking at
17 the entire context of your brochure.

18 JUDGE KINSEY: Uh-huh.

19 MR. SANDERS: And I don't understand where
20 that quote was taken out of context. What else was
21 in that brochure that makes the quote in this
22 charging document incorrect?

23 JUDGE KINSEY: As I recall -- and I think
24 my husband read out that paragraph when he was
25 giving his statement -- the paragraph talks about

1 the fact that these guys are out there risking their
2 lives and then they come into the courtroom -- and
3 again I'm bringing in our feelings and our thoughts
4 in putting that in the brochure -- they come into
5 the courtroom and Judge Green will not listen to
6 their testimony; he's not interested in their
7 testimony.

8 My comment is that I will take it
9 seriously; not that I will believe it above all
10 else, but that these guys are risking their lives
11 for us, they're out there protecting us; I'm going
12 to take their testimony seriously.

13 MR. SANDERS: Well, do you think that
14 might have given the public the impression that you
15 would take their testimony perhaps more seriously
16 than a non-police officer who was testifying? Do
17 you think that impression is one that could fairly
18 have been taken by someone?

19 JUDGE KINSEY: I'm sure there are people
20 who could take it that way, but that's not the
21 intent of the statement. If I had wanted to say
22 that I will take them above everyone else's
23 testimony, I would have said it that way.

24 MR. SANDERS: Well, you also indicated
25 that you felt that this whole court system was a

1 team concept and you said "including police
2 officers, judges, defense lawyers, defendants" but
3 you don't seem to include the rest of the team in
4 your literature. It's just the police officers that
5 you keep referring to, not the rest of the team.

6 JUDGE KINSEY: And, you know, this is part
7 of what happens during a campaign. You start out
8 with this brochure that's got writing all over it,
9 and it gets smaller, and it gets smaller, and it
10 gets smaller. All I can say is that it got
11 condensed down to that.

12 You have professionals helping you who are
13 saying, "If you put more text in this, no one's
14 going to read it."

15 MR. SANDERS: And the last --

16 JUDGE KINSEY: I guess the best of intents
17 sometimes get down to what maybe some people might
18 misconstrue. But certainly it doesn't say that I
19 will take them above the testimony of anyone else,
20 just that I will give their testimony serious
21 consideration.

22 MR. SANDERS: And the last question is a
23 follow-up on what Mr. Nachwalter had asked you
24 earlier about this statement that police officers
25 unanimously supported your candidacy. And

1 Mr. Kinsey indicated that that was intended to mean
2 that the organization, the PBA and the FOP, had
3 supported your candidacy, not necessarily each
4 individual police officer. Is that what your
5 understanding was of the intent?

6 JUDGE KINSEY: Yes, it is. And let me
7 elaborate on that just a little bit. What happened
8 was the FOP lodges, of which there are two in our
9 area, and the PBA has one lodge in our area, and
10 virtually every law enforcement officer belongs to
11 one or the other of those three different
12 organizations -- they interviewed the candidates,
13 and then they put it up to a vote.

14 I know that the two FOP lodges put it out
15 to a vote of their entire membership. And I asked
16 if anybody objected to me. I mean, I wanted to
17 know. I'm new to this campaigning business, and
18 to me it was kind of personal, and I wanted to
19 know if anybody didn't like me, and I wanted to go
20 talk to them and find out why.

21 MR. SANDERS: Well --

22 JUDGE KINSEY: And to the best of my
23 knowledge, only one person responded and said that
24 they felt it was inappropriate to endorse me. And
25 what they said -- and this was in the FOP lodge from

1 the sheriff's department -- that person said that he
2 didn't think that the FOP lodge should be involved
3 in politics, but he had no objection to me
4 personally. But he didn't think they should be
5 allowed to do that.

6 And every time we went to the campaign
7 stops -- and it was always Bill Green and me going
8 all over town very many times a week, sometimes
9 meeting almost every day somewhere or our teams
10 meeting somewhere -- it was always the same thing:
11 they would always tell me that all three
12 organizations that represent virtually every law
13 enforcement officer in Escambia County have endorsed
14 me. And there's a reason for that. They work with
15 the court system every day. Ask them.

16 And that was kind of our campaign slogan.

17 MR. SANDERS: Thank you.

18 THE CHAIR: Judge Freeman?

19 JUDGE FREEMAN: No.

20 MR. NACHWALTER: Just one or two. Would
21 it be a fair statement, Judge, to say the message
22 you were trying to get out is, "I'm tough on crime,
23 and he's not"?

24 JUDGE KINSEY: It would definitely be fair
25 to say that I felt as a prosecutor that he didn't do